

ORDINANCE NUMBER 19-__

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE

This is a Planned Unit Development District Ordinance (to be known as the **CEDARBROOK COMMONS PUD DISTRICT**) to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Unified Development Ordinance"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended.

WHEREAS, the City of Westfield, Indiana (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Unified Development Ordinance;

WHEREAS, the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") enacted Ordinance No. 11-19 (the "Springmill Trails PUD Ordinance") on September 12, 2011;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 1910-PUD-__**), requesting an amendment to the Unified Development Ordinance and to the Zoning Map with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

WHEREAS, the Commission forwarded **Petition No. 1910-PUD-__** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a _____ recommendation (____-__) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Common Council on _____, 2019;

WHEREAS, the Common Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Unified Development Ordinance and Zoning Map are hereby amended as follows:

Section 1. **Applicability of Ordinance.**

- 1.1 The Unified Development Ordinance and Zoning Map are hereby changed to designate the Real Estate as a Planned Unit Development District to be known as the “**Cedarbrook Commons PUD District**” (the “District”).
- 1.2 Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, and (ii) the provisions of the Unified Development Ordinance, as amended and applicable to the Underlying Zoning District or a Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance.
- 1.3 Chapter (“Chapter”) and Article (“Article”) cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.
- 1.4 All provisions and representations of the Unified Development Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

Section 2. **Definitions.** Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Unified Development Ordinance.

Section 3. **Concept Plan.** The “Concept Plan”, attached hereto as **Exhibit B**, is hereby incorporated in accordance with Article 10.9(F)(2) Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan.

Section 4. **Illustrative Layout.** The “Illustrative Layout”, attached hereto as **Exhibit C**, provides one possible site layout for parking, internal drives and building locations of new improvements. The final layout and site plan shall be subject to the terms and conditions of this Ordinance and may vary from the Illustrative Layout.

Section 5. **Underlying Zoning District(s).** The Underlying Zoning District of this District shall be the LB: Local and Neighborhood Business District (the “Underlying Zoning District”).

Section 6. **Permitted Uses.** All uses permitted in the Underlying Zoning District shall be permitted, except as otherwise modified below.

- 6.1 **Additional Uses:** The following additional use(s) shall be permitted:
 - A. Agritourism Use (or Agritainment Use), including related outdoor entertainment and event gathering spaces.
 - B. Agricultural Use.
- 6.2 **Prohibited Uses:** The following use(s) shall be explicitly prohibited:
 - A. Special Exception Uses of the Underlying Zoning District.

Section 7. **General Regulations.** The standards of Chapter 4 Zoning Districts, as applicable to the Underlying Zoning District, shall apply to the development of the Real Estate, except as otherwise modified below.

7.1 Minimum Building Setback Lines:

- A. Abutting External Street¹: Twenty (20) feet.
- B. District Perimeter Not Abutting Street: Forty (40) feet.
- C. All Other: No minimum.

Section 8. **Development Standards.** The standards of Chapter 6 Development Standards shall apply to the development of the Real Estate, except as otherwise modified below.

8.1 Article 6.3 Architectural Standards: Shall apply, except as modified below.

- A. Character Exhibits: The “Character Exhibit”, attached hereto as **Exhibit C**, is hereby incorporated. Although the Character Exhibit does not represent the final design, it does hereby establish a benchmark for the quality and appearance of Buildings, and it provides examples of specific design elements that comply with this Ordinance and contribute to the intent and vision for the Real Estate.
- B. Building Materials (Article 6.3(F)(2)): Shall apply; however, if a Building is consistent with an architectural style depicted in the Character Exhibit, then the minimum Masonry Materials requirement shall not apply.
- C. Roof Design (Article 6.3(F)(7)(b)(iv)): Shall apply; however, flat roofs for one-story buildings shall be permitted if rooftop dining is incorporated into the building’s design, as generally depicted in the Character Exhibit.
- D. Variations to Architectural Standards: Variations to the Architectural Standards of Article 6.3 may be approved as part of a Detailed Development Plan for Buildings that are substantially similar in architectural style and character to those depicted in the Character Exhibit.

8.2 Article 6.4 Building Standards: Shall apply. Principal Buildings shall be restricted to the area generally delineated and labeled on the Concept Plan as “Buildings”. Accessory Buildings are permitted in both areas delineated on the Concept Plan.

8.3 Article 6.8 Landscaping Standards: Shall apply, except as modified below.

- A. Buffer Yard Requirements (Article 6.8(N)): Shall not apply; rather, a minimum forty (40) foot wide buffer yard shall be required along the Real Estate’s west and north property lines. The buffer yard shall include a minimum of four (4) shade trees, four (4) evergreen trees, and ten (10) shrubs per one hundred (100) lineal feet. Plantings shall not be required where vehicular and pedestrian access is provided, as generally depicted on the Illustrative Layout, and where otherwise prohibited for vision clearance standards.

¹ For purposes of this Ordinance, an External Street includes 186th Street and Spring Mill Road.

- B. Parking Area Landscaping (Article 6.8(O)). Shall apply, except as otherwise modified below.
 - i. Parking Area Design. If adjacent Lots have vehicular cross-access and/or shared parking, then the shared Lot Line shall not require Perimeter Parking Area Landscaping (Article 6.8(O)(2)); rather, the combined Parking Area shall be designed as a single Parking Area and landscaped in accordance with the Interior Parking Area Landscaping (Article 6.8(O)(1)) requirements.
 - C. Perimeter Drainage and Utility Easements. Landscaping within drainage and utility easements required the City's Department of Public Works around the perimeter of Lots (the "Easements") is restricted. As a result, if plantings required by this Ordinance are not permitted by the City within the Easements, then the required plantings shall be relocated and installed elsewhere on the Real Estate. If the relocation of plantings results in planting congestion or is otherwise contrary to landscaping best management practices, then the Director or Plan Commission may approve a landscape plan with fewer plantings than otherwise required.
- 8.4 Article 6.9 Lighting Standards: Shall apply, except as modified below.
- A. Decorative Fixtures: Exterior lighting shall be decorative (e.g., gooseneck) and fixtures shall be architecturally integrated with the building style, material and color. Fixtures shall not obscure, but rather complement, any building ornamentation.
 - B. Pedestrian-Scale: Light pole height shall not exceed twenty (20) feet.
- 8.5 Article 6.14 Parking and Loading Standards: Shall apply. In addition, no Parking Area shall be permitted in the Established Front Yard of the intersection of Spring Mill Road and 186th Street, as depicted on the Illustrative Layout.
- 8.6 Article 6.17 Sign Standards: Shall apply, except as modified below.
- A. Design: Sign colors and materials shall be restrained and harmonious with the building architecture. Signs shall be compatible with adjacent signs and shall not compete for attention, such as use of excessively bright colors or disproportionally sized letters.
 - B. Wall Sign Lighting: All wall signs shall be: (i) reverse channel letter; or, (ii) externally lit wall signs with decorative (e.g., gooseneck) light fixtures.
 - C. Monument Sign(s) (Center Only) (Article 6.17(J)(2)). Shall apply. The District shall be permitted one (1) monument sign along Spring Mill Road and one (1) monument sign along 186th Street in accordance with Article 6.17(J)(2)(a)(ii), which permits a maximum of nine (15) feet in Sign Height and one hundred and twenty (120) square feet of Sign Area, per face.

Section 9. Infrastructure Standards. The District's infrastructure shall comply with the Unified Development Ordinance and the City's Construction Standards (see Chapter 7 Subdivision Regulations), unless otherwise approved by the Department of Public Works.

Section 10. **Design Standards.** The standards of Chapter 8 Design Standards shall apply to the development of the Real Estate.

**[Remainder of page intentionally left blank;
signature pages follow.]**

ALL OF WHICH IS ORDAINED/RESOLVED THIS ____ DAY OF _____, 2019.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

Jim Ake

Jim Ake

Jim Ake

James J. Edwards

James J. Edwards

James J. Edwards

Steven Hoover

Steven Hoover

Steven Hoover

Robert L. Horkay

Robert L. Horkay

Robert L. Horkay

Mark F. Keen

Mark F. Keen

Mark F. Keen

Charles Lehman

Charles Lehman

Charles Lehman

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

ATTEST:

Cindy Gossard, Clerk Treasurer

I hereby certify that **ORDINANCE 19-__** was delivered to the Mayor of Westfield
on the _____ day of _____, 2019, at _____ m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 19-__**
this _____ day of _____, 2019.

I hereby VETO **ORDINANCE 19-__**
this _____ day of _____, 2019.

J. Andrew Cook, Mayor

J. Andrew Cook, Mayor

This document prepared by: Jesse M. Pohlman, William Tres Development, LLC
Craigielea Enterprises LLC
P.O. Box 214, Westfield, Indiana 46074

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Jesse M. Pohlman

SCHEDULE OF EXHIBITS

Exhibit A	Real Estate (Legal Description)
Exhibit B	Concept Plan
Exhibit C	Illustrative Layout
Exhibit D	Character Exhibit

EXHIBIT A
REAL ESTATE

WARRANTY DEED
(INSTRUMENT NO. 2013020452)

A PART OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 19 NORTH, RANGE 3 EAST, IN WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 19 NORTH, RANGE 3 EAST; THENCE ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER SOUTH 89 DEGREES 28 MINUTES 24 SECONDS WEST (BASIS OF BEARINGS PER INDIANA STATE PLANE COORD. EAST ZONE) 633.60 FEET TO A MAG NAIL ON THE WEST LINE OF A 18.0 ACRE TRACT OF REAL ESTATE DESCRIBED IN DEED RECORD BOOK 286 PAGE 284; THENCE ON SAID WEST LINE NORTH 00 DEGREES 10 MINUTES 02 SECONDS EAST 1168.84 FEET TO A CAPPED REBAR STAMPED FIRM 0066; THENCE NORTH 89 DEGREES 28 MINUTES 24 SECONDS EAST 633.60 FEET TO A MAG NAIL WITH WASHER STAMPED FIRM 0066 ON THE EAST LINE OF SAID QUARTER SECTION; THENCE SOUTH 00 DEGREES 10 MINUTES 02 SECONDS WEST 1168.84 FEET TO THE POINT OF BEGINNING AND CONTAINING 17.000 ACRES, MORE OR LESS.

EXCEPT (RIGHT-OF-WAY PARCEL):
(INSTRUMENT NO. 2017009119)

A part of the Southeast Quarter of Section 27, Township 19 North, Range 3 East, Hamilton County, Indiana, and being that part of the grantor's land described in Instrument Number 2013020452, in the Office of the Recorder of Hamilton County, lying within the right of way lines depicted on the attached Right of Way Parcel Plat marked Exhibit "B", described as follows: Beginning at the southeast corner of said section designated as point "2" on said plat: thence South 89 degrees 28 minutes 33 seconds West (assumed bearing) 633.60 feet along the south line of said section to the southwest corner of the grantor's land; thence North 0 degrees 10 minutes 05 seconds East 60.00 feet along the west line of the grantor's land to the point designated at "6403" on said plat; thence North 89 degrees 28 minutes 33 seconds East 482.88 feet to the point designated as "6402" on said plat; thence North 72 degrees 46 minutes 35 seconds East 52.20 feet to the point designated as "6410" on said plat; thence North 38 degrees 43 minutes 54 seconds East 33.53 feet to the point designated as "6411" on said plat; thence North 3 degrees 01 minutes 50 seconds East 100.13 feet to the point designated as "6412" on said plat; thence North 0 degrees 10 minutes 05 seconds East 100.00 feet to the point designated as "6413" on said plat; thence North 9 degrees 37 minutes 50 seconds East 152.07 feet to the point designated as "6414" on said plat; thence North 0 degrees 10 minutes 05 seconds East 150.00 feet to the point

designated as "6415" on said plat; thence North 5 degrees 21 minutes 45 seconds East 276.13 feet to the point designated as "6416" on said plat; thence South 89 degrees 49 minutes 55 seconds East 25.00 feet to the east line of said section; thence South 0 degrees 10 minutes 05 seconds West 875.00 feet along said east line to the point of beginning and containing 1.943 acres, more or less, inclusive of the presently existing right of way which contains 0.333 acres, more or less.

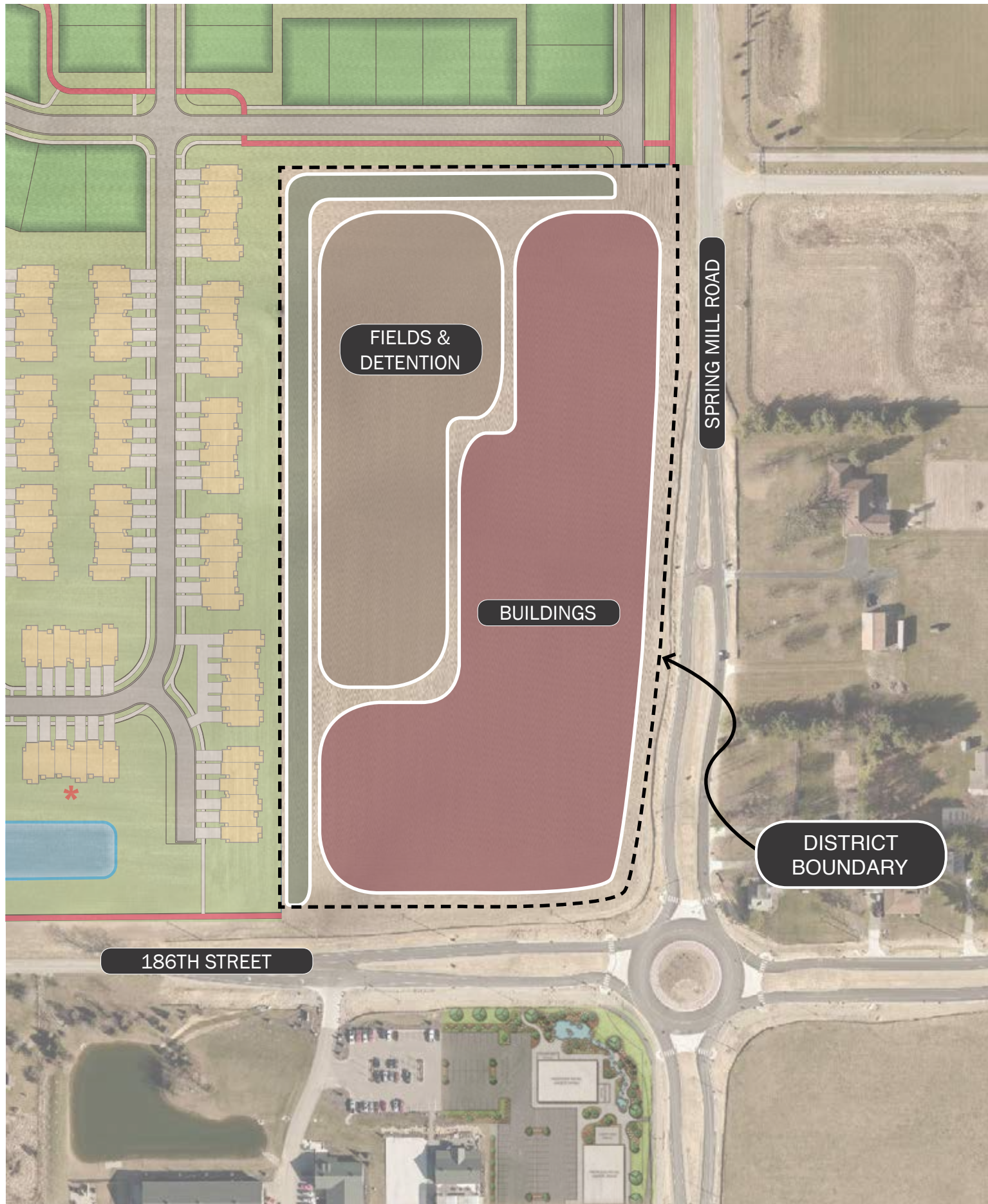


EXHIBIT B: CONCEPT PLAN
CEDARBROOK COMMONS
PLANNED UNIT DEVELOPMENT DISTRICT



EXHIBIT C: ILLUSTRATIVE LAYOUT
CEDARBROOK COMMONS
PLANNED UNIT DEVELOPMENT DISTRICT



EXHIBIT D-1: CHARACTER EXHIBIT
CEDARBROOK COMMONS
 PLANNED UNIT DEVELOPMENT DISTRICT



EXHIBIT D-2: CHARACTER EXHIBIT
CEDARBROOK COMMONS
 PLANNED UNIT DEVELOPMENT DISTRICT